

**296 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-47137-2023 (O&M)****Date of Decision: 14.12.2023****CHARANJIT BHATIA AND ANOTHER****...Petitioners****V/S****STATE OF PUNJAB AND OTHERS****...Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Khushkaran K. Goyal, Advocate with
Mr. Sukhanpreet Kaur Rang, Advocate for the petitioners.

Mr. Madhur Sharma, AAG Punjab.

Mr. Sahil Matharoo, Advocate
for respondents No. 2 to 6.

HARPREET SINGH BRAR J. (Oral)

1. This petition has been filed under Section 482 of the Code of Criminal Procedure seeking quashing of FIR No. 28 dated 04.03.2017, registered under Sections 341, 323, 324, 506, 148, 149 of Indian Penal Code (Sections 341, 324, 148 and 149 deleted and Sections 326 and 34 of IPC added later on) at Police Station Balachaur, SBS Nagar and all subsequent proceedings arising therefrom in view of the compromise dated 14.09.2023 (Annexure P-3).

2. The FIR has been registered on the statement of complainant-Avtar Singh-respondent No. 2 on the allegations that on 04.03.2017, when the complainant along with Maharaj Swami Shankra Nand Bhuriwale, Rahul Mishra, Baljinder Singh, Gurmukh Singh and driver Satpal were travelling in a Car bearing registration No. PB-10-FV-0108, then petitioners along with three other persons armed with their respective weapons (dangs, sharp edged iron rods) raised lalkara and tried to forcibly open the doors of

the car of the complainant. When the complainant party came out of the car to calm down the assailants, petitioner No. 1 gave blow with his *datar* on the complainant's head and petitioner No. 2 gave dasti iron patri blow on the elbow of his left arm. Other assailants also gave inflicted injuries with their respective weapons. Now with the intervention of respectable persons, the matter has been amicably compromised between the parties and they have resolved their disputes and differences.

3. Keeping in view the fact that the parties have entered into a compromise, they were directed to appear before the trial court/Illaq Magistrate for getting their statements recorded in support of the compromise. In pursuance of the direction, a report dated 03.11.2023 has been received from Sub Divisional Judicial Magistrate, Balachaur stating that the compromise arrived at between the parties is without any pressure or coercion from any one and the same is genuine one.

4. Learned Assistant Advocate General, Punjab submitted status report dated 14.12.2023 by way of affidavit of Sham Sunder, PPS, Deputy Superintendent of Police, Balachaur, District SBS Nagar Punjab and on instructions from the Investigating Officer admitted the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The parties have arrived at a compromise and settled their dispute. A compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the

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nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak. A two Judge Bench of the Hon'ble Supreme Court in ***Shakunta Sawhney (Mrs) Vs. Kaushalya (Mrs.) and others (1980) 1 SCC 63***, speaking through Justice V.R. Krishna Iyer, has held as under:-

“4.The finest hour of justice arrives propitiously when parties, despite falling apart, bury the hatchet and weave a sense of fellowship or reunion.....”

7. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid down by the Hon'ble Supreme Court in **Parambir Singh Gill Vs. Malkiat Kaur 2010(1) RCR (Crl.) 256**, **Jayaraj Singh Digvijay Singh Rana Vs. State of Gujrat and Another 2012(4) RCR (Crl.) 589**, **Narinder Singh and others vs. State of Punjab and another, (2014) 6 SCC 466** and **Ramgopal and another Vs. State of Madhya Pradesh 2021 SCC OnLine SC 834** and Full Bench of this Court in **Kulwinder Singh Vs. State of Punjab 2007 (3) RCR (Crl.) 1052**, this petition is allowed and FIR No. 28 dated 04.03.2017, registered under Sections 341, 323, 324, 506, 148, 149 of Indian Penal Code (Sections 341, 324, 148 and 149 deleted and Sections 326 and 34 of IPC added later on) at Police Station Balachaur, SBS Nagar and all subsequent proceedings arising out of the same are quashed qua the petitioners only.

14.12.2023

Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No